

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s):	Pekka Lonka	CONF. No.:	7703
SERIAL NO.:	10/692,273	ART UNIT:	2617
FILING DATE:	10/23/03	EXAMINER:	Le, Danh C.
TITLE:	MOBILE COMMUNICATIONS DEVICE WITH A CAMERA		
ATTORNEY			
DOCKET NO.:	297-008681-US (REI)		

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION
PETITION TO REVIVE**

I. INTRODUCTION

Applicant respectfully requests reconsideration of the holding of abandonment and petitions for revival of the above-referenced patent application. The Notice of Abandonment was mailed 7 January 2008.

Revival of the application is warranted because the application had been indicated as being allowable and no other issues had been raised up to that point that otherwise would have prevented the Notice of Allowance from issuing. Now, for the first time, in this Notice of Abandonment, certain "substantive defects" are raised, which allegedly prevent the Notice of Allowance from being issued.

II. FACTS

1. This application is a reissue application filed on 23 October 2003.
2. On 26 July 2006 a Final rejection was mailed. Claims 16-32 were indicated as allowed. Claims 1-15 stood rejected.
3. On 27 October 2006, Applicant submitted an After Final response.
4. On 20 November 2006 an Advisory Action was mailed (Paper No. 20061114). Claims 1-7 were also indicated as being allowed. The rejection of claims 8-15 was maintained. Thus, claims 1-7 and 16-32 stood as allowable. Claims 8-15 stood as rejected.
5. On 11 December 2006 Applicant filed a Notice of Appeal and a Pre-Appeal Request for Review. This was prior to the Expiration of the six-month period for responding to the Final Office Action mailed 26 July 2006.
6. On 18 December 2006 an Interview Summary was mailed by the USPTO. (Paper No. 20061130). The rejected claims 8-15 were discussed. The rejections were maintained.
7. On 23 January 2007 a Notice of Panel Decision for Pre-Appeal Brief Review was issued. The application remained under appeal.
8. On 5 February 2007 the Examiner indicated in a telephone conference that if claims 8-15 were cancelled the Application would proceed to allowance.
9. On 9 February 2007, another teleconference was held with the Examiner. The Examiner was authorized by Applicant to cancel claims 8-15. The Examiner agreed to enter the cancellation of claims 8-15 by Examiner's Amendment.

10. On 23 May 2007 the Examiner provided Applicant's attorneys, by fax, a printout of the PALM INTRANENT FOR 10/692,273. (A copy attached hereto as Exhibit A).
11. The PALM printout shows that the Examiner's Amendment and Notice of Allowability were inputted on 20 February 2007. This entry was timely with respect to the time period from the Notice of Panel Decision and the Notice of Appeal period.
12. The Notice of Abandonment mailed 7 January 2008 (Paper No. 20071017) recites, for the first time, a number of substantive or procedural defects as the reasons for the Abandonment. The Examiner states that these "substantive defects [which] are preventing the Notice of Allowance from being mailed". Particularly, the Examiner, now states **for the first time**, that certain previously filed amendments are "non-compliant" and a that supplemental declaration is required. Prior to the mailing of the Notice of Abandonment, the Examiner did not raise any issue with respect to the format of the previously submitted responses or the need for any additional declaration.

III. DISCUSSION

Applicant respectfully submits that Applicant should have been provided, prior to the Notice of Abandonment, an opportunity to address the defects that are now being raised by the Examiner for the first time. Applicant has submitted all responses with a good faith belief that they were in compliance with the applicable requirements. Despite the many conversations with the Examiner, and an agreement on allowable subject matter, the Applicant was not provided with any prior notification of any defect with the application. This application was indicated as being allowed on 20 February 2006 as shown in Exhibit A. Thus, Applicant had a good faith reason to believe that the application was in a condition for allowance. Since no defect or other issue was earlier brought to the Applicant's attention, the application should not have been and cannot be, abandoned. The Applicant is not being provided with any opportunity to correct these defects, even though all prior responses were *bona fide* attempts to comply with all applicable requirements. This result unduly prejudices the Applicant, and does not provide any semblance of due process.

Rather, than a Notice of Abandonment, it is respectfully submitted that a new Office Action should have been issued to at least address items 1-4 cited in the Notice of Abandonment, since this is the first time the "substantive defects" were brought to the attention of the Applicant.

The allowability indication was timely with respect to the Notice of Panel Decision of 23 January 2007. Based on the numerous discussions with the examiner, Applicant's attorney had a good faith belief that the Application was allowed and no further action on Applicant's part was required.

Now, with no warning, the Examiner raises certain defects with respect to certain responses filed and asserts that these prevent the Notice of Allowance from being mailed. It is respectfully submitted that all of the responses filed in this

case were bona-fide attempts to comply with all of the formal requirements. The Applicant should have been given a reasonable opportunity to address and correct any issues. Since, the Applicant has not been given any such opportunity, Applicant is being unduly prejudiced.

The examiner clearly admits that Applicant should have been notified of these defects. "Applicant should have been notified." (See paragraph 2, page 2, of Notice of Abandonment mailed 7 January 2008, Paper No. 20071017).

Applicant also respectfully notes that there was adequate time remaining in the statutory time period after the Notice of Appeal and the indication of allowance to address the noted defects. The Notice of Appeal was filed 11 December 2006. The statutory time period for Notice of Appeal expired 11 June 2007. The allowance was entered on 20 February 2007. No communication was received from the examiner with respect to any defect **prior to** the expiration of 11 June 2007, even though the allowance was entered on 20 February 2007. Had the Applicant been advised, as the Examiner states Applicant should have been, the issues now raised could have been addressed. Yet a 4-month period elapsed without any such notification.

Thus, it is respectfully submitted that this application should be revived and a new action issued to address the noted issues since:

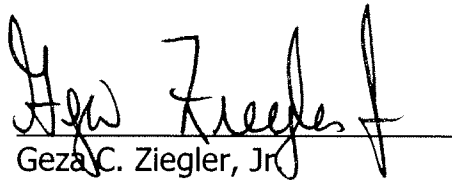
- 1) Applicant had never been advised of any defects in the submitted responses or any non-compliance;
- 2) Applicant was acting on the good-faith belief that the application was in a condition for allowance based on the Examiner's statement and Exhibit A;
- 3) There was still time remaining in the statutory response period when the application was indicated as being allowable;

- 4) Applicant could have addressed the noted defects within the statutory response period, had such an opportunity been provided; and
- 5) Applicant is unduly prejudiced by this action.

Therefore, reconsideration and withdrawal of the holding of abandonment is solicited and a time period within which to address the noted defects be granted.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

15 JAN 2008
Date

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Customer No.: 2512

US 10/692273
Petition to Revive

Exhibit A
To Request For Reconsideration/Petition To Revive
COPY OF PALM INTRANET
U.S. Ser. No. 10/692273

TO: Mr. Steckler COMPANY:

**Patent Technology Centers**

Facsimile Transmission

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Please call Mrs. Zeh, if you have any question about
reissue files 571-272-5470

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Day : Wednesday
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 Attorney Docket # Search
 Bar Code # Search

Appn Info	Contents	Patent Info	Atty/Agent Info	Continuity/Reexam	Foreign Data	Inventors
Date	Status	Code	Description			
02/20/2007		DOCK	CASE DOCKETED TO EXAMINER IN GAU			
02/20/2007		EX.A	EXAMINER'S AMENDMENT COMMUNICATION			
02/20/2007	89	CNTA	NOTICE OF ALLOWABILITY			
01/23/2007		MAPCP	MAIL APPEALS CONF. PROCEED TO BPAI			
01/23/2007		APCP	APPEALS CONF. PROCEED TO BPAI,			
12/11/2006		AP.C	REQUEST FOR APPEAL CONFERENCE FILED			
12/11/2006	120	N/AP	NOTICE OF APPEAL FILED			
12/11/2006		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED			
12/18/2006		MEXIN	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
10/29/2006		EXIN	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
12/14/2006		L194	CLEARED BY OIPE CSR			
11/24/2006		L194	CLEARED BY OIPE CSR			
11/20/2006	83	MCTAV	MAIL ADVISORY ACTION (PTOL - 303)			
11/15/2006	82	CTAV	ADVISORY ACTION (PTOL-303)			
11/14/2006		L194	CLEARED BY OIPE CSR			
11/01/2006		FWDX	DATE FORWARDED TO EXAMINER			

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07/26/2006	60	CTFR	FINAL REJECTION
07/18/2006		FWDX	DATE FORWARDED TO EXAMINER
07/17/2006	71	A...	RESPONSE AFTER NON-FINAL ACTION
07/17/2006		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
07/17/2006		L194	CLEARED BY OIPE CSR
05/02/2006		L194	CLEARED BY OIPE CSR
05/02/2006		L194	CLEARED BY OIPE CSR
03/29/2006	41	MCTNF	MAIL NON-FINAL REJECTION
03/27/2006	40	CTNF	NON-FINAL REJECTION
03/21/2006		DOCK	CASE DOCKETED TO EXAMINER IN GAU
01/30/2006	30	DOCK	CASE DOCKETED TO EXAMINER IN GAU
10/23/2003		A.PE	PRELIMINARY AMENDMENT
10/23/2004		A.PE	PRELIMINARY AMENDMENT
08/11/2004	25	TSSCOMP	IFW TSS PROCESSING BY TECH CENTER COMPLETE
01/23/2004		C602	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)
06/15/2004		NRE.	NOTICE OF REISSUE PUBLISHED IN OFFICIAL GAZETTE
05/10/2004	20	OIPE	APPLICATION DISPATCHED FROM OIPE
05/11/2004		COMP	APPLICATION IS NOW COMPLETE
01/23/2004		ADDFLFE	ADDITIONAL APPLICATION FILING FEES
01/23/2004		OATHDECL	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENTS OF 37 CFR 1.115, OATH OF THE APPLICANT
01/23/2004		ASGMT	THE IDENTIFICATION OF ONE OR MORE LEGAL ENTITIES OTHER THAN EACH SUCH LEGAL ENTITY

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01/30/2004		L194	CLEARED BY OIPE CSR
12/09/2003		SCAN	IFW SCAN & PACR AUTO SECURITY REVIEW
12/04/2003		INCD	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED
10/23/2003	19	IEXX	INITIAL EXAM TEAM NN

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